IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

INCOME TAX REF. No. 92 of 1996
Date of decision:22.11.2006

The Commission of IncomeTax, Patiala ...Petitioner

Versus

M/S Punjab Beverages Pvt. Ltd., New Delhi ...Respondent

CORAM: HON'BLE MR.JUSTICE ADARSH KUMAR GOEL
HON'BLE MR.JUSTICE RAJESH BINDAL

Present:Dr.N.L.Sharda, Advocate for the Revenue.

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JUDGMENT

Following question of law has been referred for opinion of this Court by the Income Tax Appellate Tribunal,Chandigarh Bench, Chandigarh, arising out of its order dated 19.5.1995 in I.T.A. No.674/Chandi/1990 in respect of assessment year 1987-88:-

> "Whether, on the facts and in the circumstances of the case, the ITAT was right in law in holding that the sales-tax liability would be allowable under the amended provisions of Section 43B inserted w.e.f. 1.4.89 being retrospective in character?

We find that the issue is covered against the revenue and in favour of the assessee by the judgment of Hon'ble Supreme Court in ***Allied Motors (P) Limited*** ***v.*** ***Commissioner of Income Tax*** (1997) 224 ITR 677.

Following the above judgment of the Hon'ble Supreme Court, we have decided the issue against the revenue and in favour of the assessee vide our order dated 5.9.2006 in ITR No.94 of 1996, ***The Commissioner of Income tax (C), Ludhiana*** ***v.*** ***M/s Avery Cycle Inds. Pvt. Limited, Ludhiana.***.

Accordingly, the question is answered against the revenue and in favour of the assessee.

(Adarsh Kumar Goel)
Judge

November 22,2006 **(Rajesh Bindal)**
Pka **Judge**